

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MICHAEL JOSEPH DERROW, #03199-286 §

VS. § CIVIL ACTION NO. 9:06cv137

JOHN M. BALES, ET AL. §

ORDER OF PARTIAL DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Third Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the Plaintiff's motion to dismiss contained in objections (docket entry #23) is **GRANTED** and the Plaintiff's civil rights claims filed pursuant to 42 U.S.C. § 1983 are **DISMISSED** without prejudice. Fed. R. Civ. P. 41(a)(1).

So **ORDERED** and **SIGNED** this **10** day of **January, 2007**.



Ron Clark, United States District Judge